

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

NEIL ROBERT BROOKS,

Plaintiff,

vs.

NANCY A. BERRYHILL, Acting
Commissioner of Social Security
Administration;

Defendant.

8:19-CV-190

ORDER

Before the Court is Plaintiff's response regarding Order to Show Cause. Plaintiff filed his Complaint on April 30, 2019. [Filing 1](#). According to the record, the office of the Clerk of Court provided three blank summons forms to Plaintiff for use. Despite this, the record reflects Plaintiff did not further request additional summons, file a waiver indicating Defendant had been served, provide the Court any proof of service, nor did Defendant enter a voluntary appearance.

On September 24, 2019, this Court issued an order requiring Plaintiff to show cause by October 15, 2019, why the case should not be dismissed pursuant to [Fed. R. Civ. P. 4\(m\)](#) or for want of prosecution. [Filing 6](#). The show cause order warned Plaintiff that failure to timely comply with the order may result in dismissal of the action without further notice.

On October 9, 2019, Plaintiff filed a Summation and Response regarding Order to Show Cause. [Filing 7](#). The Summation and Response contains a summary of Plaintiff's alleged injuries or disabilities but does not address Plaintiff's failure to timely serve Defendants with process or Plaintiff's lack of prosecution. The Summation and Response provides no excuse for Plaintiff's failure to illustrate a voluntary appearance or service of process upon Defendant, which was the subject and purpose of the Order issued by the Court. [Filing 6](#). Accordingly, the Court concludes

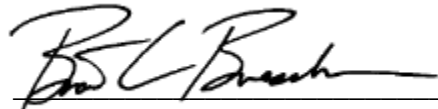
Plaintiff has not complied with the Court's order and has not shown cause why this action should not be dismissed for want of prosecution.

IT IS ORDERED:

1. The above-captioned case is dismissed without prejudice;
2. A separate Judgment will be entered.

Dated this 16th day of October, 2019.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'B.C. Buescher', written over a horizontal line.

Brian C. Buescher
United States District Judge